

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

2015 DEC 15 PM 3:49

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UNITED STATES OF AMERICA)
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 v.) CASE NO. 2:14-cr-00125-wks
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)
 TYLER KINNEY)

UNOPPOSED MOTION TO CONTINUE

NOW COMES Defendant Tyler Kinney, by and through counsel, and respectfully requests that his sentencing, currently scheduled for January 4, 2016, be continued for a period of ninety (90) days to afford sufficient time for Defendant's ex-wife to attend a bone marrow transplant at Dana Farber Cancer Institute in Boston, MA for her acute lymphomeric leukemia (hereinafter "ALL") while Defendant remains in Vermont to care for the children of the couple until Janet returns from her transplant.

In the last three months, Janet Rainville (formerly Kinney) was diagnosed with ALL. Her initial treatment required her to remain in the hospital continuously for 30 days for chemotherapy treatment.

During this time and since her release from the hospital by early November, Tyler Kinney has been responsible for the care of the parties two boys, ages 12 and 8. He has moved into the former marital residence in Jericho. Janet is living in Burlington with a friend where she can remain close to the hospital. Janet continues to receive treatment while she awaits the bone marrow transplant in Boston at the Dana Farber Institute probably in late January 2016.

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She is unable to care significantly for the boys as her treatment is difficult. She does speak with them and/or see them daily. She relates that Tyler has done an excellent job with them through this most difficult time and as a result the children are doing well.

The full course of Janet's treatment will take up to three months in total once she receives the transplant. Janet will have to spend virtually the entire recovery period in sterile quarantine, and the length of her sterile quarantine will depend on her body's ability to recover from the transplant and for her immune system to recover. Janet's doctors have told her the period of her quarantine – when she cannot care for her young boys – is therefore at least one month, but possibly up to three.

Janet has related to this attorney that it is important for her and the children's well-being that Tyler be available to care for the children while she is in Boston. She has made it clear that it would assist her recovery at least psychologically to know that the children will remain in Tyler's care until she is able to return home, hopefully resuming full-time care of them. As noted above, Janet has been extremely relieved that Tyler has stepped up and provided such excellent care for their children. Janet and Tyler have worked closely with the boys' schools to assure that the boys are doing well there. The schools have provided wonderful assistance during this time. It is critical to maintain the schooling of the boys as they provide needed support in helping the boys cope with the problems their family faces. Any major disruption to this arrangement, they feel, would do undue harm to the boys.

Given the extraordinary circumstances present in this case, a continuance is in the interest of the administration of justice.

The Government has no objection to this motion.

WHEREFORE, Defendant respectfully requests that his sentencing be rescheduled from Jan. 4, 2016 to Monday, April 4, 2016, or such time after that date as the Court sees fit.

DATED at Burlington, Vermont this 15th day of December, 2015.

TYLER KINNEY

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